

REMARKS

Applicant respectfully requests allowance of the subject application. Claims 1-59 and 62-69 are cancelled. Claims 60 and 61 are pending.

35 U.S.C. §103(a)

Claims 60 and 61 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dougherty in view of U.S. Patent No. 5,848,352 to Throckmorton et al. (hereinafter "Throckmorton"). The Applicant respectfully traverses the rejection.

Claim 60 recites a method for enhancing a continuous video content program with supplemental hyperlink content to provide viewer interactivity with the video content program, comprising the following steps:

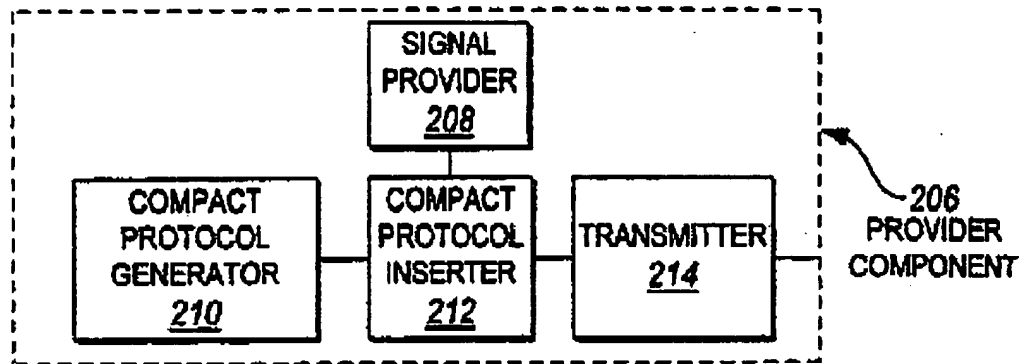
- configuring digital data which defines a display layout prescribing how the supplemental hyperlink content and the video content program are to appear in relation to one another when displayed;
- transmitting the digital data along with the video content program as two separate signals from two separate sources; and
- displaying the supplemental hyperlink content and the video content program according to the display layout.

Neither Dougherty nor Throckmorton, alone or in combination, disclose, teach or suggest these aspects.

The Office, in the *Response to Arguments* Section, asserts "Figure 2A, for the video being transmitted from signal provider 208 and the digital data being transmitted from the compact protocol generator 210". See *Office Action Dated July 13, 2005, Pages 3-4*. This is not the case, as shown in FIG. 2A, an output of the signal provider 208 and the compact protocol generator 210 is provided to a

compact protocol inserter 212, an output of which is provided to a transmitter 214.

Figure 2A of Dougherty is excerpted for the sake of convenience as follows:



Thus, "transmitting the digital data along with the video content program as two separate signals from two separate sources" as recited in Claim 60 is not disclosed, taught or suggested in the asserted figure.

Further, Dougherty teaches away from the use of separate signals, as discussed in the following excerpted portion:

One inherent problem is the reluctance of many users to significantly invest in separate reception or display equipment required to display and operate a graphical interactive information system. For example, many potential users of a graphical interactive television system will not pay the cost of receiving the graphical interactive information over an FM channel because of the cost of the additional tuner equipment required by such an approach. Conventional set top cable television decoder boxes can provide a desirable reception platform for interactive television systems because they are relatively cheap, contain much of the necessary interface and reception equipment, and are accepted in most homes. However, the use of such devices would be acceptable if only inexpensive, compact modifications were required to display and operate a graphical interactive information system. *Dougherty, Col. 2, Lines 37-52.*

1 Therefore, Dougherty is not modifiable because such a modification would
2 run contrary to the expressed teaching of Dougherty. As is well settled, "A prior
3 art reference must be considered in its entirety, i.e., as a whole, including portions
4 that would lead away from the claimed invention." *M.P.E.P. 2141.02, citing W.L.*
5 *Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir.
6 1983), *cert. denied*, 469 U.S. 851 (1984). For at least these reasons, claim 60 is
7 allowable over Dougherty in view of Throckmorton, alone or in combination, and
8 and withdrawal of the rejection is respectfully requested.
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10 Claim 61 depends directly from claim 60 and is allowable as depending
11 from an allowable base claim. This claim is also allowable for its own recited
12 features which, in combination with those recited in claim 60, are neither shown
13 nor suggested in the references of record, either singly or in combination with one
14 another. For example, as previously described, Dougherty is not modifiable,
15 either by Throckmorton or any other submitted reference, because such a
16 modification would run contrary to the expressed teachings of Dougherty.
17 Therefore, claim 61 is allowable and withdrawal of the rejection is respectfully
18 requested.
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Respectfully Submitted,

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